

**January 6, 2010**

**Syracuse, New York**

**Hon. Neal P. McCurn,**

**Senior United States District Judge, Presiding**

**Clerk: Phillip T. McBrearty**

**Court Reporter: Jodi Hibbard**

**9:00 A.M. Court in Session**

**JOSEPH VISCOMI, FIRST DESTINY**

**REAL ESTATE, INC.,**

**Plaintiffs,**

**v.**

**5:08-CV-00327(NPM/ATB)**

**EXCELSIOR INSURANCE COMPANY,**

**Defendants.**

**Settlement Conference:** Court and Counsel meet and further review settlement positions. After extensive discussions by and between the parties and the Court, Senior Judge McCurn directs counsel and the parties to place the agreed settlement on the record. Counsel place settlement on the record with plaintiff Joseph Viscomi, and defendant's representative Jonathan Lawlee verbally accepting and agreeing to the terms and conditions stated. Senior Judge McCurn directs that the case be marked settled, and orders the Jury into Court.

**11:20 A.M. Jury Enters Court.**

**On behalf of the parties and the Court, Senior Judge McCurn thanks the jury for its service and excuses this Jury from further duty.**

**11:30 A.M. Court Adjourned.**

**Appearances:** Charles L. Falgiatano , Esq. for pltf Joseph Viscomi  
Roy A. Mura, Esq. and Scott Mancuso, Esq. and Jonathan Lawlee,  
for deflt Excelsior Insurance, Inc.